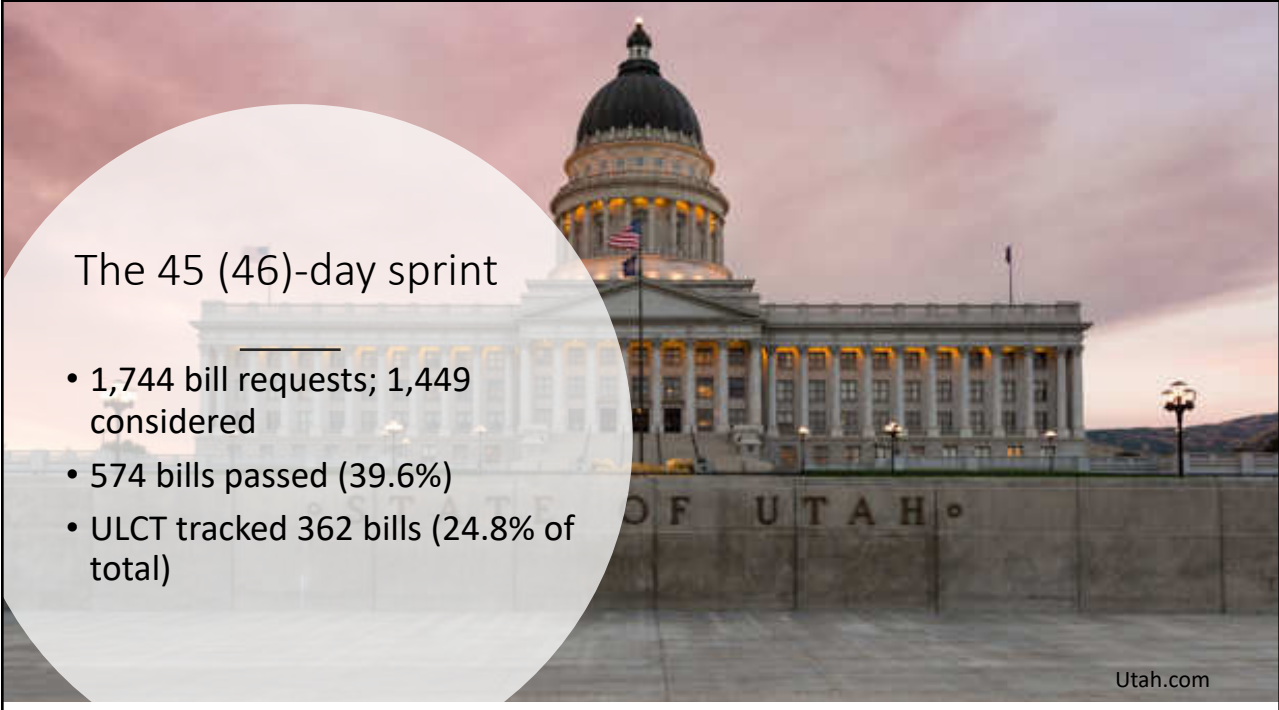




UTAH COUNTIES INDEMNITY POOL

*Planning & Zoning
Workshop*

June 12, 2019



The 45 (46)-day sprint

- 1,744 bill requests; 1,449 considered
- 574 bills passed (39.6%)
- ULCT tracked 362 bills (24.8% of total)

Utah.com

From gravel pits to anti-idling laws, local control saw multiple wins in the 2019 Utah Legislature

But the fight continues over the Utah Inland Port Authority 'land grab'

by Katie McKellar [@KatieMcKellar1](#)
Published: March 17, 2019 3:42 pm

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SUCCESS!

Tribune Editorial: Utah Legislature should leave the locals alone. Mostly.

By The Salt Lake Tribune Editorial Board • Published: February 21, 2019
Updated: February 21, 2019

General themes of the 2019 Session

- **Housing**
 - Housing affordability and affordable housing and transportation
 - 2018 ULCT resolution
- **Referendum**
 - 2018 ULCT resolution
- **Land use**
 - Agriculture, gravel, nuisances and protections
 - Interim: Land Use Task Force
- **Water**
 - 2018 ULCT resolution
 - Interim study: secondary water metering
- **Beer**
- **Part 2: Tax reform**
 - Interim study: Tax Task Force
 - Economic development
- **General local gov't authority**



HB 425: Local Government Bonding

- Repeals bond provisions and enacts 10-3-831 – allows municipal officers to obtain either a general fidelity bond or theft/crime insurance to satisfy the bond requirement.
- “municipal officer” – mayor, legislative body, treasurer, and anyone else the legislative body determines.



SB 108: Modifications to GRAMA

- Modifies right to inspect/copy records
 - If entity has already provided
 - If not required to fill the request
 - If accessible only electronically and can't be segregated
- Other technical changes
 - Requestor must provide email address
 - May package info in a new format if requested
 - Public library may share some private video surveillance records with law enforcement in certain instances

SB 145: Legal Notice Revisions

- Legal notice may be served by mail or in person instead of publishing in a newspaper
 - Statute must clearly define
 - Does not replace publication in counties of 3rd-6th class



SB 179: Truth in Taxation Amendments

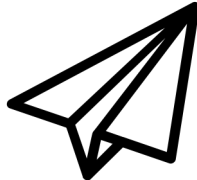
- Taxing entities must limit agenda items when proposing a tax rate increase at a public hearing.
- May hold enterprise fund hearing and budget hearing.
- Conclude regular meeting and then open Truth in Taxation hearing.
- May not unreasonably restrict number of people permitted to make public comment.



SB 25: Records Committees

Creates Records Management Committee for records retention schedule approvals and recommendations.

- ULCT member



HB 52: Remote Notarization

- Establishes process for LG to certify a notary to perform remote notarizations.
- Voluntary certification
- Effective date Nov. 1, 2019

Other transparency bills

- **SB 27: Governmental Nonprofit Corporation meetings**

- Gov't nonprofit can close its meetings when discussing a trade secret.

- **HB 39: Independent Entities Compliance**

- Among other things, clarifies that UCA is subject to OPMA, Utah Public Finance Website, GRAMA, and the Utah Procurement Code but exempt from the Funds Consolidation Act, Admin Services Code, Budgetary Procedures Act, and the Personnel Management Act.



HB 119: local initiatives and referenda

Key principles:

- Modernize the process
 - Consistent with state process
 - Timelines
 - Understandable rules
- Equal access
 - "One stop shop"
- Empower elected officials to explain why they voted the way they voted

HB 119: local initiatives and referenda

- Timelines
 - 20 day pause
 - Prepare Proposition Info Pamphlet, ballot title (preference to prevailing side), fiscal impact, legal analysis
 - Adjudicate legislative/administrative, other non-referable reasons
 - Within 5 days of being legally referable, give a petition and a signature sheet
 - 45 day signature gathering
 - Sponsors must carry PIP
 - Rolling signature submission (within 7 days of signature date, photo allowed)
 - Legislative action that is not land use: April 15
 - Truth in taxation legislative action: August (unchanged process)
 - Land use legislative action: Aug 30

HB 119: local initiatives and referenda

- Geographic diversity/thresholds
 - Cities of 10,000+ = voter participation areas
 - Cities of 5th class (1,000-9,999) = 25% of active voters for most legislative acts; 35% of active voters for legislative land use act
 - Towns (1-999) = 35% of active voters for most legislative acts; 40% of active voters for legislative land use act
- Public meetings: equal time (within reasonable limits) for both sides

HB 119: local initiatives and referenda

- PAPEA (communication)
 - May not use public email to advocate for or against ballot proposition

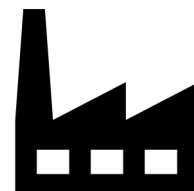
EXCEPTIONS

- Direct response to inquiry
- Internal communication (including legal counsel, other public entity)
- Communication with sponsors
- Communication with property owners, developers, etc. (land use referendum)
- Due process before Lt. Gov. for individual accused of violating this section

Key bills: land use

HB 315: Land Use and Development Amendments

- LUTF bill addressing:
 - Definitions
 - Land use authority
 - Plats
 - Vacation and dedication of streets
 - Judicial review of land use decisions
 - Boundary line agreements
 - Referendum



HB 315: Land Use and Development Amendments

- LUTF bill addressing administrative process for subdivisions; boundary line agreements; bonding for private infrastructure
- Don't record w/o municipal signatures

HB 315: the specifics

- One LUDMA purpose is to “facilitate a variety of housing types”
- Modifies “stricter standards” clause to clarify intent
- Codifies that PC failure to make timely decision may be considered negative recommendation – looks to your ordinance for timeline
- All uses in land use regs must be designated as either permitted or conditional.
- 45 day action time limit on the existing “rip cord” law now applies to land use regs as well.
- Option given to CC and applicant to agree on having a third party appeal authority.
- If a court reverses a land use decision it is remanded back to them to issue a decision consistent with the ruling.



HB 315: subdivision specifics

1. Adds/amends definitions of lots, parcels, lot line adjustments
2. Adds/amends definitions of streets, ROWs, easements
3. Simplifies process for vacating streets and boundary line agreements
4. Reduces processes for public easements
5. Recorder cannot record plat until all requirements are met
6. Limited withholding of Certificate of Occupancy
7. Changes private v. public infrastructure for bonding and what municipalities require



SB 228: Public Infrastructure District Act

- Adds PID to 17B to provide a financing tool for public infrastructure.

HB 343: Development Advertising Amendments

- requires a municipality or county to provide notice to owners of parcels within a 500 foot radius of the proposed illuminated sign and certain other parties with an outdoor advertising permit
- Requires construction to commence within one year of the installation of the sign

Key bills: land use

Scaled-back version of gravel mining bill moves to Senate floor



Key bills: land use

HB 288: Critical Infrastructure Materials

- sand, gravel, and rock aggregate
- Vested operations – legal nonconforming use or permitted use in operation before local authority enacted a regulation, and Jan. 1, 2019
- No expansion by right, but everything else is vested
- Protection areas may only be initiated by the city or county
- Temporary solution; LUTF work this interim

Water bills

HB 31/HJR 1: Water Supply & Surplus Water

- Designated water service area
- If you provide retail water outside of the city, then must have a map (State Eng.)
- Adopt rates & service by ordinance according to equal protection (with exceptions)
- City may sell a waterworks to another public entity (pending consti. Amendment, Nov. 2020)

SB 17: Extraterritorial Jurisdiction

- City may construct waterworks outside city limits
- Protect watershed within 15 miles above the point from where the water is taken and for a distance of 300 feet on each side of watercourse
- After July 1, 2019, city must notify public, DDW, DWQ

Utah lawmaker pushing bill requiring cities to zone affordable housing if they want state dollars

By Katie McKelvie [@katieckelvie](#)
Published: February 1, 2019 5:47 pm

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1 of 3



2019 Utah Legislature enacted 'critical' policy, but fell short on affordable housing, advocates say

Legislature enacted 'critical' policy, but fell short on affordable housing, advocate says
By Katie McKelvie [@katieckelvie](#)
Published: March 15, 2019 8:26 pm

[Twitter](#) [Facebook](#) [Email](#) [Comments](#)

SB 34: Affordable Housing

- Builds on last year's HB 259 and SB 136
- Update general plan to emphasize transportation/land use nexus
- 80ish cities of 5,000+ population:
 - Provides a "menu" of 23 strategies cities can choose from when developing their MIH element
 - Ties MIH element to eligibility to the state Transportation Investment Fund (\$700 million)

Tax reform

- HB 441: Tax Equalization and Reduction Act
 - Broaden the base, lower the rate ... easy, right?
- HB 495: Tax Restructuring and Equalization Task Force

Utah lawmakers pull plug on tax reform this session

By Lisa Riley Roche [@dnewsopolis](#)
Published: March 7, 2019 3:25 pm
Updated: March 7, 2019 6:42 p.m.

[Twitter](#) [Facebook](#) [Email](#) [Comments](#)

1 of 3



Stuart Johnson, Deseret News

Taxes: HB 266 (Last/Vickers): Resort Communities TRT

- Transient room tax: county imposed 4.25% on accommodations
 - Promote tourism
 - Mitigate impact in counties of 4th, 5th, or 6th class (i.e. EMS, waste, roads, law enf., search & rescue)
- New category: town within a county with a national park and imposes a resort communities tax
 - 4% of total TRT revenue can pay a provider for EMS in 1 or more eligible towns (approx. \$323,000 in Washington County)
 - EMS provider may be an eligible town, local district, or special service district

Two counties in Utah misspent room tax money on projects counter to state law, audit shows

By [Dennis Romboy](#)  [@dennisromboy](#)
Published: April 17, 2019 8:00 am

    2 Comments

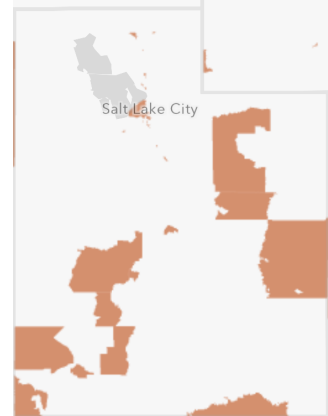
Moab is drowning in tourists, and Utah is making Grand County spend millions a year to invite more



By [Brian Maffly](#) • Published: April 22, 2019
Updated: April 22, 2019

Economic development – major rural focus

- HB 84 (Econ Dev Programs Amendments)
- HB 110 (Rural Econ Dev Incentives)
- HB 276 (Rural Econ Dev Amendments)
- SB 172 (Econ Dev Amendments)
- SB 200 (Rural Econ Dev Modifications; did not pass)
- What's next?
 - Opportunity Zones
 - EDTIF changes?
 - Utah Foundation



CRAs – lots of talk, not a lot of action?

- HB 185 (TIF for Student Housing)
- HB 245 (CRA Revisions)
- SB 56 (CRA Report Amendments)
- SB 77 (Tax Increment Amendments)
- SB 98 (CRA Amendments)
- HB 70 (CRA Modifications; *not passed*)
- What's next?
 - Commission on Housing Affordability

Transportation

The evolution of the gas tax:

Road User Charge (RUC) program

- open to alternative fuel vehicles, to begin on Jan. 1, 2020
- 100% of the RUC revenues will go to UDOT.

SB 72 (Transportation Funding & Governance)

- Creates a standard, more flexible list of allowable uses for the municipal portion of local option transportation sales taxes
- July 1, 2022 sunset on county imposition of the 4th quarter applies only to the four counties entirely in the UTA district (Utah, Salt Lake, Davis, Weber)